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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,451	09/30/2003	Michael H Hunt	1369.02	2450
21901	7590	06/24/2004	EXAMINER	
SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220 CLEARWATER, FL 33760			WALSH, JOHN B	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/605,451	HUNT ET AL.
	Examiner John B. Walsh	Art Unit 3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 10 is/are rejected.
- 7) Claim(s) 8,9 and 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/29/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said elongate hinge post". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,373,851 to Confoey.

Confoey '851 discloses a first sleeve part (11); a second sleeve part (12); an elongate hinge means (14,15); a first locking means (17); a second locking means (18) that prevents hinged motion between said first and second sleeve parts along a second parting line (when 18 is locked the hinge cannot open up the sleeve parts along the second parting line); said second locking means prevents hinged motion between said first and second sleeve parts even if said

first locking means is rendered non-functional (when 18 is locked the hinge cannot open up the sleeve parts along the second parting line).

As concerns claim 2, said sleeve parts being channel shaped in transverse cross-section (figure 2); a bottom wall of said sleeve parts having a breadth less than the breadth of a top wall (figure 2); an elongate space (figure 2) formed between respective bottom walls of said sleeves when disposed in confronting relation; a hinge post (16) being disposed in said elongate space (disposed just as much as applicant's figure 7, which is not entirely in the space).

As concerns claim 6, a first half flange (19); a second half flange (19); a full flange (figure 1; 19) formed when said first and second half flanges are disposed in confronting relation (figure 1).

As concerns claim 7, a first reinforcing band (19); a second reinforcing band (19).

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,036,683 to Geuvjehizian.

Geuvjehizian '683 discloses a first sleeve part (40); a second sleeve part (42); an elongate hinge means (48,44,52); a first locking means (key cylinder in 46); a second locking means (key cylinder in 44) that prevents hinged motion between said first and second sleeve parts along a second parting line; said second locking means prevents hinged motion between said first and second sleeve parts even if said first locking means is rendered non-functional (when second lock is in the locked position the sleeve will not be able to be separated).

As concerns claim 2, said sleeve parts being channel shaped in transverse cross-section (figure 3); a bottom wall of said sleeve parts having a breadth less than the breadth of a top wall

(figure 3); an elongate space (figure 3) formed between respective bottom walls of said sleeves when disposed in confronting relation; a hinge post (76) being disposed in said elongate space (disposed just as much as applicant's figure 7, which is not entirely in the space).

As concerns claim 3, said elongate hinge means being discontinuous mid-length of said hollow sleeve to accommodate said second lock means (discontinuous between 44 and 48); said hinge means having a first (44) and second part (48).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,373,851 to Confoey as applied to claim 1 above in view of U.S. Patent No. 6,393,880 to Vance, Sr.

Confoey '851 does not disclose said first and second pairs of resilient pads.

Vance, Sr. '880 teaches resilient pads (40). The resilient pads are not disclosed as a pair rather a single pad which covers the same area covered by a pair of pads. The choice of using either a pair or a single larger pad is seen as an obvious design choice.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lock device of Confoey '851 with resilient pads, as taught by

Vance, Sr. '880, in order to provide a means of protecting the structure being locked from getting scratched or marred.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,036,683 to Geuvjehizian as applied to claim 1 above in view of U.S. Patent No. 6,393,880 to Vance, Sr.

Geuvjehizian '683 does not disclose said first and second pairs of resilient pads.

Vance, Sr. '880 teaches resilient pads (40). The resilient pads are not disclosed as a pair rather a single pad which covers the same area covered by a pair of pads. The choice of using either a pair or a single larger pad is seen as an obvious design choice.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lock device of Geuvjehizian '683 with resilient pads, as taught by Vance, Sr. '880, in order to provide a means of protecting the structure being locked from getting scratched or marred.

#### *Allowable Subject Matter*

9. Claims 4, 5, 8, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

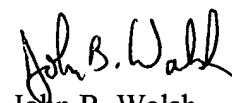
10. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Walsh  
Primary Examiner  
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